AO 133 (Rev. 9/89) Bill of Costs

-Case 2:08-cv-00234-RAJ-TEM Document 39 Filed 04/14/09 Page 1 of 7 PageID# 414

UNITED STATES DISTRICT COURT

EASTERN	District of		VIRGINIA		
	Norfolk Division				
CYNTHIA DONN TESSLER		BILL OF	COSTS		
V.		DILL OI	COSTS		
,.					
NBC UNIVERSAL, INC.	Civil Action No.:	2:08cv23	4		
Judgment having been entered in the above entitled		31, 2009 Date	against Plaintiff		,
the Clerk is requested to tax the following as costs:	_				
Fees of the Clerk				\$	
Fees for service of summons and subpoena					
Fees of the court reporter for all or any part of the trans					56.10
Fees and disbursements for printing					
Fees for exemplification and copies of papers necessari				•	
Costs as shown on Mandate of Court of Appeals					
Compensation of interpreters and costs of special interpreters	pretation services und	ler 28 U.S.	C. 1828		
Other costs (please itemize)					
Canal Costs (product internal)			TOTAL	\$	56.10 *
*See Attachment A				•	
SPECIAL NOTE: Attach to your bill an itemization ar	nd documentation for	requested of	costs in all categories		
	DECLARATION				
I declare under penalty of perjury that the foregoing the services for which fees have been charged were as with postage prepaid to: <u>Duncan G. Byers, Counsel for Signature of Attorney:</u>	ctually, and necessarily	y performe	d. A copy of this bi	this a	action and that mailed today
Name of Attorney: Stephen E. Noona, Esquir	e 🚺				
For: Defendant, NBC Universal, Inc.			Date: Aprill, 200)9	
Name of Claiming Party					
Costs are taxed in the amount of			and included in the	ie jud	gment.
г	2				
Clerk of Court	By: Deputy Clerk			Date	

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost
NAME AND RESIDENCE	Days	Total Cost	Days	Total Cost	Miles	Total Cost	Each Witness
				ı			
					TOT	AL	

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

"Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted bylaw. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6(e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice for other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (in Part)

"Entry of the judgment; shall not be delayed for the taxing of costs."

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Tayloe Associates, Inc. 253 West Bute Street Norfolk, VA 23510

Phone:757-461-1984 Fax:757-461-5454

R. Johan Conrod, Jr., Esquire Kaufman & Canoles 150 West Main Street, Suite 2100 Norfolk, VA 23510-1609

Invoice No.	Invoice Date	Job No.		
15992	12/17/2008 11757			
Job Date	Case No.			
10/10/2008	2:08cv234			
Case Name				
Tessler v. NBC				
Payment Terms				
Net 45				

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Tax ID: 54-1436256

Please detach bottom portion and return with payment.

R. Johan Conrod, Jr., Esquire Kaufman & Canoles 150 West Main Street, Suite 2100 Norfolk, VA 23510-1609

Invoice No.: 15992

: 11757

Case Name : Tessler v. NBC

: 2:08cv234

Job No.

Case No.

Invoice Date : 12/17/2008

: NORF-MAIN

BU ID

Total Due : \$ 56.10

PAYMENT WITH	CREDIT CARD	AMEX	****	VISA
Cardholder's Name:				
Card Number:				
Exp. Date:	Phone	e#:		
Billing Address:				
Zip:	Card Security Co	de:		
Amount to Charge:			·	· ·· · · · · · · ·
Cardholder's Signature				

Remit To: **Tayloe Associates, Inc. 253 West Bute Street Norfolk, VA 23510**

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		Number 287877 Check Amount **56.10** ., 253 West Bute Street, Norfolk, VA 23510	
oucher Date	Voucher#	Voucher Description	
2/18/2008	15992	10402 File# 132799 - Tessler v. NBC Universal, Inc. RJC/vbv Payment of Inv# 15992 - Transcript of hearing conducte	ed at United States District Court, Norfolk Division, October 10, 2008.
		Number 287877 Check Amount **56.10** , 253 West Bute Street, Norfolk, VA 23510	
ucher Date		Voucher Description	
/18/2008	15992	10402 File# 132799 - Tessler v. NBC Universal, Inc. RJC/vbv Payment of Inv# 15992 - Transcript of hearing conducte	ed at United States District Court, Norfolk Division, October 10, 2008.

Certification of Counsel of Good Faith Efforts to Narrow Costs Issues

Counsel hereby certifies that a good faith effort has been made between counsel to narrow the issues relating to the attached Bill of Costs. Counsel will continue those efforts and will apprise the Court of any additional progress made as promptly as possible.

Stephen E Noona

V\$B No 25367

Kristan B. Burch

VSB No. 42640

R. Johan Conrod, Jr., Esq.

(VSB No. 46765)

Counsel for Defendant NBC Universal, Inc.

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Dated: April 14th, 2009

Respectfully submitted,

Stephen E. Noona

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CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Duncan G. Byers VSB No. 48146 Duncan G. Byers, P.C. 142 W. York Street, Suite 910 Norfolk, VA 23510 Telephone: (757) 227-3340

Facsimile: (757) 227-3340 duncan.byers@byers-ip.com

/s/ Stephen E. Noona

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